

**MISSISSIPPI DEVELOPMENT AUTHORITY
DISASTER RECOVERY DIVISION
APPEALS GUIDELINES
FINAL RULE**

October 26, 2009

Following the devastation of Hurricane Katrina, the United States Congress provided the State of Mississippi an allocation of federal Community Development Block Grant ("CDBG") funds through the United States Department of Housing and Urban Development ("HUD"). According to the designation of the Governor of the State of Mississippi, the Mississippi Development Authority ("MDA") has received and is administering these CDBG funds. In this effort, several Action Plans have been published and approved by HUD for delivery of this vital aid to the Katrina Presidentially declared disaster counties in accordance with federal law and regulations. MDA hereby establishes these "Appeals Guidelines" for applicants to appeal the award decisions, compliance notifications and the demand notifications for lack of plan compliance by recipients.

101.01. An applicant may appeal any award, disqualification or de-obligation letter received from MDA by giving written notice within sixty (60) calendar days of the date of the MDA letter. The appeal must actually be received by MDA at the address below by the 60th day. If an appeal is not made within the sixty (60) calendar day timeframe, the applicant will be deemed to have waived his or her right to appeal the decision.

101.02. Appeals must be written and state with specificity the basis for the applicant's disagreement with the decision. Appeals are determined solely on the written record; there will be no hearing or other oral proceeding conducted. In this regard, the appeal must address the grounds for the disqualification or de-obligation as provided in the MDA letter. Furthermore, the appeal must provide copies of all documents, records, papers or other information to support the appeal. In addition, all appeals must be dated and contain the applicant's name, application number, the applicant's current mailing address, and the address of the property for which an application is being made (if applicable).

101.03. To be accepted, the written appeal must be delivered:

By United States Mail to the following address:

Mississippi Development Authority
Disaster Recovery Division
Attention: Appeals Coordinator
P.O. Box 849
Jackson, Mississippi 39205

Or by courier mail or hand delivery to the following:

Mississippi Development Authority
Disaster Recovery Division
Attention: Appeals Coordinator
Suite 704 Robert E Lee Building
239 N Lamar Street
Jackson, MS 39201

- 101.04. Initially, MDA will review the appeal and all supporting material, along with the applicants' files, to determine if the appeal can be resolved based upon the applicant's submission and within program requirements. If so, a final written determination of the appeal will be made at this point and issued by the Director of MDA's Disaster Recovery Division or the Director's designee.
- 101.05. If the appeal cannot be resolved on this initial review, then MDA will promptly forward the appeal for review by an Independent Hearing Officer (or Officers) ("IHO"). MDA will provide the IHO the applicant's file, the appeal and all supporting material provided by the applicant on appeal, all program requirements and policies, an MDA explanation of the case, and MDA's recommendations (if any). The IHO will review all of the written materials and issue a written Findings of Facts and Recommendation to MDA. MDA will then review this and make a final written determination of the appeal, which will be issued by the Director of MDA's Disaster Recovery Division or the Directors designee.
- 101.06. The applicant will be notified by Certified Mail of any final written determination of the appeal within ten (10) calendar days of the issuance. A copy of the final written determination will be provided to the applicant.
- 101.07. All appeal determinations made by MDA are final with no further administrative review and are not subject to judicial review.
- 101.08. An applicant can withdraw the appeal at any time by providing written notice to MDA of this decision. Such a written notice must be delivered to MDA at the address(s) referenced in Section 101.03 above.
- 101.09. Program requirements established by MDA and approved by HUD as dictated by law may not be waived or abrogated.

101.10. Reserved

201.01 All references in all MDA Disaster Recovery Division Rules to The Appeals Board shall hereafter mean Independent Hearing Officer(s).

201.02 Independent Hearing Officer or Officers (IHO) means a person or persons not directly involved in the initial MDA decision that is the subject of appeal designated by the Director of Disaster Recovery or the Directors designee to review an appeal.